

## **Title:** The Skills of Negotiating

*"In today's operations environment, one's span of authority is often less than one's span of responsibility. In short, leaders are charged with mission success while relying on people they have no authority over."*

~ Dr. Stefan Eisen

**Introduction:** One seldom gets what they deserve; they get what they negotiate. This lesson lays down foundations needed when examining negotiations and one's preferences in negotiating styles. As an introduction to the session, the reading describes and supports the argument that when military members choose to negotiate, their preference is for a competitive (win/lose) negotiating style. This argument is not evaluative, but descriptive of the effects of both the military culture and the behavior of large bureaucratic organizations. Then, the reading provides an overview of the five major negotiating preferences using a "concept and process" framework. In particular, the Interest-Based Negotiating model (from Fischer and Ury fame) is introduced and then transposed from its business basis to how it might work in the military context. Finally, to make matters a bit more interesting, the distinctly Western negotiating model is set against the military cross-cultural context to consider what further adaptation might be required when dealing with a situation where the other party in the negotiations comes from a cultural context far different from a Western perspective.

Some writings discredit competitive negotiations as strictly "old school" and out of step with the current environment, but in actuality, every negotiating style has advantages and disadvantages. At times, a competitive approach may be useful, and at other times, the chances for mission success may be increased by using the cooperative approach. A cooperative approach goes beyond each party's opening positions and examines the reasons for these positions. Referred to as "interests," they help explain the "why" behind a negotiating party's position (the "what"). Often, interests are broader than positions, and it is through these broader interests that mutual areas of potential gain may be explored.

Essential to EVERY negotiation (regardless of approach) is understanding what a party can/may do if the negotiations fail to produce a result. BATNA (Best Alternative to a Negotiated Agreement) defines what each party can do unilaterally. Why is this important? It defines each party's alternative to an agreement, and if your BATNA is strong, and your opponent's BATNA is weak, their motivation to stay with the process is increased. Additionally, knowing your BATNA may induce you to take actions to protect it and knowing the other party's BATANA may induce you to take actions to make it less attractive to them. Without understanding BATNAs, one's "fallback" is unknown, and this reduces the chances of a successful negotiation.

Reduced to its essential elements, negotiating is problem-solving, and problem-solving is the bread and butter of leadership. As leaders, you will continue to be confronted with complex problems and challenged to negotiate solutions under conditions of uncertainty and ambiguity. Coping in such an environment requires as robust a set of negotiating skills as you can develop.

The seminar discussion and culture-neutral exercise in this seminar is designed to link the concepts presented in the readings with the additional ideas developed during the lecture and introduced by your faculty. During the next Instructional Period (IP 6208) you will continue to apply the concepts learned from this IP as you participate in cross-cultural negotiating exercise.

**Lesson Objective:** Analyze the concepts of negotiation and synthesize these concepts during seminar. Examine the aspects of conducting a successful negotiation.

**Joint Professional Military Education Learning Areas (JPMELA) covered in this IP:**

**6. Joint Strategic Leadership**

**Phase II JPMELA: 6a, 6b**

**SAE: 1, 4**

**Nuclear: None**

**Desired Learning Outcomes:**

1. Assess the utility of various negotiating approaches within the senior leader environment. (Phase II JPMELA: 6a, 6b)
2. Assess the elements of the Cooperative negotiating Strategy as an option when engaging in complex environments. (Phase II JPMELA: 6a, 6b)

**Questions for Study and Discussion:**

1. Why negotiate? What are the conditions in the current and future senior leader (strategic) environment that might make negotiations a valuable leadership tool?
2. From an institutional perspective, are negotiations encouraged? Why or why not? What are the conditions that foster or hamper the use and utility of this leadership tool? From an individual's perspective, what might be the preferred negotiating style of a senior military leader? What might be the environmental and/or cultural conditions that foster or hinder this preference?
3. Under what conditions is it useful to incorporate negotiating concepts into your work as a senior leader?
4. If negotiations are a valued leadership tool, how might you mentor the next generation of leaders to learn and practice this skill set?

**Assigned Readings:**

Stefan Eisen, Jr. and Kimberly Hudson, "Warrior/Negotiator: No Longer an Oxymoron, But a Necessity," Air Force Negotiation Center of Excellence (NCE) Publication, 2009. (Separate Issue)

## Suggested Readings:

John Boe, "Actions Speak Louder Than Words," *The Negotiator Magazine*, December 2005, pp. 1-4. Download Printable Version (Word Doc format), [http://www.negotiormagazine.com/boe\\_december2005.doc](http://www.negotiormagazine.com/boe_december2005.doc).

Lisa Bracken, "Become a Persuasive Negotiator Through Better Communication," *The Negotiator Magazine*, June 2006, pp. 1-11. Download Printable Version (Word Doc format), [http://www.negotiormagazine.com/bracken\\_june2006.doc](http://www.negotiormagazine.com/bracken_june2006.doc).

J. William Breslin and Jeffery Z. Rubin, eds., *Negotiation Theory and Practice* (Cambridge MA: PON: Harvard Law School, 1999).

Frank Bucaro, "How Do You Spell Success—E-T-H-I-C-S," *The Negotiator Magazine*, pp. 1-6, <http://www.negotiormagazine.com/article38.html2>.

Jim Camp, *Start with No* (New York: Crown Business Publishing, 2002).

Steven Cohen, *Negotiating Skills for Managers* (New York NY: McGraw-Hill, 2002).

Peter C. Cramton and J. Gregory Dees, *Promoting Honesty*, pp. 1-23, <http://209.85.165.104/search?q=cache:6Q81Iaml4W8J:www.cramton.umd.edu/papers1990-1994/93beq-pro-moting-honesty-in-egotiation.pdf+ethics+negotiations&hl=en&ct=clnk&cd=7&gl=us>.

Department of the Air Force, Air Force Basic Doctrine Document 1, *Basic Doctrine*, 17 November 2003, [http://www.dtic.mil/doctrine/jel/service\\_pubs/afdd1.pdf](http://www.dtic.mil/doctrine/jel/service_pubs/afdd1.pdf).

Department of the Air Force, Air Force Doctrine Document 1-1, *Leadership and Force Development*, 18 February 2006, [http://www.dtic.mil/doctrine/jel/service\\_pubs/afdd1\\_1.pdf](http://www.dtic.mil/doctrine/jel/service_pubs/afdd1_1.pdf).

Department of the Air Force, Office of the General Council, Alternative Dispute Resolution website, <http://www.adr.af.mil/newsletter/adrNewsletterSpring07.pdf>.

Stefan Eisen, Jr., "An Argument for Deliberate Negotiations Competency Development for Senior Leaders," Paper presented at the 2007 Inter-University Seminar, Chicago IL, 27 October 2007.

Danny Ertel, "Turning Negotiating Into a Corporate Capability," *Harvard Business Review on Negotiation and Conflict Resolution* (Cambridge MA: Harvard Business Review Paperback, 2000), pp. 101-112.

Roger Fisher and William Ury, *Getting to Yes* (New York: Penguin Books, 1991), pp. 3-94.

Stephen Kozicki, *The Global Negotiator—4 Critical Elements*, pp. 1-11, [http://www.negotiormagazine.com/kozicki\\_mar2005.pdf](http://www.negotiormagazine.com/kozicki_mar2005.pdf).

Jeffrey Kravis and Mariam Zadeh, "Hunting for Deception in Mediation—Winning Cases by Understanding Body Language," *The Negotiator Magazine*, June 2006, pp. 1-7, <http://www.mediate.com/articles/kravis17.cfm>.

Roy J. Lewicki, Bruce Barry, and David M. Saunders, *Negotiation: Readings, Exercises, and Cases* (Boson MA: McGraw-Hill Irwin, 2007).

Rex C. Mitchell, *Constructive Management of Conflict in Groups*, [http://www.csun.edu/~hfmgt001/cm\\_gp.htm](http://www.csun.edu/~hfmgt001/cm_gp.htm)

Christopher Moore and Peter Woodrow, "Mapping Culture-Strategies For Effective Intercultural Negotiations," *Track Two*, Vol. 7, No. 1, April 1998, <http://www.mediate.com/articles/cdr1.cfm>.

National War College, "Strategic Leadership and Decision-Making," Part One, *The Environment of Strategic Leadership and Decision-Making*, <http://www.ndu.edu/inss/books/Books%20-%201999/Strategic%20Leadership%20and%20Decision-making%20-%20Feb%201999/pt1ch1.Html>.

Dean G. Pruitt, "Strategic Choice in Negotiation," *In Negotiation Theory and Practice*, eds., J. William Breslin and Jeffery Z. Rubin (Cambridge MA: PON: Harvard Law School, 1999).

H. Joseph Reitz and James A. Wall, Jr., "Ethics in Negotiations: Oil and Water or Good Lubrication," *Business Horizons* (May-June 1998), pp. 2-15, <http://ideas.repec.org/a/eee/bushor/v41y1998i3p5-14.html>.

Rickey L. Rife, Colonel, USA, *Defense is From Mars State is From Venus*, Army War College Paper (Carlisle PA: U.S. Army War College), pp. 1-26, [http://www.au.af.mil/au/awc/awcgate/ndu/dod\\_from\\_mars\\_state\\_from\\_venus.doc](http://www.au.af.mil/au/awc/awcgate/ndu/dod_from_mars_state_from_venus.doc).

Jeffery Z. Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation," in *Negotiation Theory and Practice*, eds., William Breslin and Jeffery Z. Rubin (Cambridge MA: PON: Harvard Law School, 1999).

Jeswald Salacuse, *Negotiating: The Top Ten Ways That Culture Can Affect Your Negotiation*, IN Ivey Management Services, September-October 2004, [http://www.iveybusinessjournal.com/view\\_article.asp?intArticle\\_ID=546](http://www.iveybusinessjournal.com/view_article.asp?intArticle_ID=546).

United States Institute of Peace, *U.S. Negotiating Behavior*, Special Report #94 (Washington DC: U.S. Institute for Peace, October 2002), pp. 1-11.

William Ury, *The Power of a Positive No* (New York NY: Bantam Books, 2007).

Gary, R. Weaver, "American Cultural Values," Originally published in *Kokusai Bunka Kenshu* (Intercultural Training), No. 14 (Winter 1997), pp. 14-20. A revised version was published in *Kokusai Bunka Kenshu* (Intercultural Training), Special Edition, 1999, pp. 9-15.

Walter A. Wright, "Cultural Issues in Mediation: Individualist and Collectivist Paradigms," *Resourceful Internet Solutions, Inc. (RIS) and Mediate.com*, single web-page, January 2000, <http://www.mediate.com/articles/Wright.cfm>.

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